

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AARON V. SIMS, et al.,

Plaintiffs,

v.

DR. LAUREL R. HARRY,

Defendant.

CIVIL ACTION NO. 24-CV-2030

ORDER

AND NOW, this 17th day of October, 2024, upon consideration of the Complaint (Doc. No. 1) filed by *pro se* Plaintiffs Aaron V. Sims and Durrell H. Cotton, and Sims's Motion to Proceed *In Forma Pauperis* (Doc. No. 7) and Prisoner Trust Fund Account Statement (Doc. No. 8), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** to Sims pursuant to 28 U.S.C. § 1915.
2. Aaron V. Sims, #LW-6461, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Sims's inmate account; or (b) the average monthly balance in Sims's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Sims's inmate trust

fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Sims's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Phoenix.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for the reasons stated in the Court's Memorandum.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/Karen Spencer Marston

KAREN SPENCER MARSTON, J.